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EXAMINER

PARRY, CHRISTOPHER L

ART UNIT PAPER NUMBER

2614

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/910,161	THOMPSON, BRIAN D.	
	Examiner	Art Unit	
	Chris Parry	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>07/20/2001</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: On page 6, line 5, "are stored a memory" should be --are stored on memory--. On page 7, line 16, "channels in the channel have been selected" should be --channels in the schedule have been selected--.

Appropriate correction is required.

Claim Objections

2. Claim 6, 10, 18, and 36 are objected to because of the following informalities: Claim 6, line 2, "according a time" should be --according to time--. Claim 10, line 6, "at" should be removed from the claim. Claim 18, line 6, "prioritized" should be --prioritized--. Claim 36, line 6, "prioritized" should be --prioritized--.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1-5, 8-11, 15, 19-23, 26-28, 37-42, and 44-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Candelore et al. (hereinafter "Candelore") (U.S. 2002/0104081).

Regarding Claim 1, Candelore teaches the method of "accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels" by tuning event 502 shown in figure 5. Candelore discloses as an example of a tuning event to be when a user enters a specific channel number (page 4, ¶ 44). Although Candelore is silent on using channel keys to select a channel, it is inherent that a user could tune into a channel using the channel keys shown on remote control 5 shown in figure 3. The claimed element "determining a duration of a time period during which each channel is tuned" is taught by block 504 in figure 5. Candelore discloses the relative statistics maintained to ascertain favorite status can be based on amount of viewing of a channel over a certain time period, e.g., 10, 20, or 30 minutes (page 4, ¶ 45). Candelore meets the claimed element "prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned" by block 506 in figure 5. Candelore discloses the list of favorites is based on the maintained relative statistics and the channels can be ranked with the most viewed channel listed first and the least viewed channel listed last (page 4, ¶ 46).

As for Claim 2, the claimed element of "determining a duration of a time period during which each channel is tuned comprises the step of determining a duration of a time period between each of the series of commands" by figure 5 of Candelore. As shown, CPU 29 will maintain relative statistics of how long a channel is being viewed.

When a new tuning event is detected, CPU 29 will either add the channel to the list of favorites or just increase the count and begin maintaining relative statistics on the newly tuned channel (page 4, ¶ 44-46). Candelore meets the claimed element of “prioritizing the schedule of channels according to a duration of a time period during which each channel is tuned comprises the step of prioritizing the channels according to a duration of a time period between each of the series of commands” by CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 3, the claimed method of “reordering the schedule of channels according to the duration of the time period between each of the series of commands” is taught by Candelore who discloses CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 4, the claim “the schedule of channels is reordered after each command of the series of commands” is met by Candelore, who discloses CPU 29 can create a list of favorites 408 in real time (page 4, ¶ 47).

As for Claim 5, the claim “the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned” is met by Candelore, who discloses CPU 29 can create a list of favorites 408 in real time (page 4, ¶ 47). Since the system can reorder in real time, it similarly reorders once the viewer has watched or selected all of the channels.

As for Claim 8, the claimed method of “reordering the schedule of channels in sequential order” is met by Candelore, who discloses CPU 29 can rank a set number of items in sequential order based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 9, the claim “reordering the schedule of channels in sequential order is performed in response to a user command” is met by Candelore as disclosed is a favorite key on remote control 5. When the user depresses the favorite key, CPU 29 generates the favorites list for display to the user (page 4, ¶ 47).

As for Claim 10, the claimed element “each of the channels in the schedule of channels is associated with a media program” is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “reordering the schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with the channels in the schedule of channels” is met by Candelore who discloses the favorites list can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47). So when a user changes between displaying the top 15 to only view the top 10, this list is reordered when the threshold number of channels is changed.

As for Claim 11, the claimed element “determining which of the time periods exceeds a threshold time period” is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page

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4, ¶ 42). The claimed element “segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period” is met by Candelore who discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32). The channels that exceed the threshold time period are kept in the list of favorites 408, which comprises the first segment, and the second segment would inherently be all the other channels whose statistics are maintained in table 406.

As for Claim 15, Candelore meets the claimed method “wherein the ordered schedule of channels is a subset of all available channels” as, disclosed. List of favorites 408 can rank each item within a particular favorite list. For example, the list of favorites 408 can provide a list of top 15 channels, which have the highest count value in stat tables 406. Thus, a user can access EPG 4A to cycle through the list of favorites 408 (page 4, ¶ 38). So a user can access the favorites list using the favorites key on remote control 5 to see what is on rather than view the entire guide by using the guide key.

Regarding Claim 19, Candelore teaches an apparatus with “means for accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels” by CPU 29 in figure 2 (page 2, ¶ 27). The claimed element “means for determining a duration of a time period during which each channel is tuned” is met by statistics table 406 stored in memory 404 shown in figure 4 (page 3, ¶ 31). The claimed element “means for prioritizing the schedule of channels according to the

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duration of the time period during which each channel is tuned” is met by CPU 29, which can rank each channel (page 4, ¶ 46).

As for Claim 20, the claimed element “means for determining a duration of a time period during which each channel is tuned comprises means for determining a duration of a time period between each of the series of commands” by figure 5 of Candelore. As shown, CPU 29 will maintain relative statistics of how long a channel is being viewed. When a new tuning event is detected, CPU 29 will either add the channel to the list of favorites or just increase the count and begin maintaining relative statistics on the newly tuned channel (page 4, ¶ 44-46) The claimed element “means for prioritizing the schedule of channels according to a duration of a time period during which each channel is tuned comprises means for prioritizing the channels according to a duration of a time period between each of the series of commands” by CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 21, the claim “means for reordering the schedule of channels according to the duration of the time period between each of the series of commands” is met by Candelore who discloses CPU 29 can rank a set number of items based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 22, the claimed element “the schedule of channels is reordered after each command of the series of commands” is rejected based on similar grounds as the rejection of claim 4.

As for Claim 23, the claimed element “the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned” is rejected based on similar grounds as the rejection of claim 5.

As for Claim 26, the claimed element “means for reordering the schedule of channels in sequential order” is met by Candelore, who discloses CPU 29 can rank a set number of items in sequential order based on the maintained statistics, so the most viewed channel is listed first and the least viewed channel is listed last (page 4, ¶ 46).

As for Claim 27, Candelore meets the claimed element “means for reordering the schedule of channels in sequential order is performed in response to a user command” disclosed is a favorite key on remote control 5. When the user depresses the favorite key, CPU 29 generates the favorites list for display to the user (page 4, ¶ 47).

As for Claim 28, the claimed element “each of the channels in the schedule of channels is associated with a media program” is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “means for reordering the schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels” is met by Candelore who discloses the favorites list can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47).

Regarding Claim 37, the claimed element “a user interface for accepting a series of commands to tune a plurality of channels sequentially from an ordered schedule of channels” is met by IRD 2 of figure 1. IRD 2 of figure 1 receives tuning signals from

remote control 5. The claimed "processor, communicatively coupled to a memory, the processor implementing a timer for determining a duration of a time period during which each channel is tuned and prioritizing the schedule of channels according to the duration of the time period during which each channel is tuned" is met by CPU 29 and memory 400 shown in figure 4 (page 3, ¶ 31-32).

As for Claim 38, the claimed "the processor determines a duration of a time period during which each channel is tuned by determining a duration of a time period between each of the series of commands" is met by CPU 29 (page 2, ¶ 27-28). The claimed element "the processor prioritizes the schedule of channels according to a duration of a time period during which each channel is tuned by prioritizing the channels according to a duration of a time period between each of the series of commands" is met by CPU 29 (page 4, ¶ 46).

As for Claimed 39, Candelore meets the claim "the processor prioritizes the schedule of channels according to a duration of a time period during which each channel is tuned by reordering the schedule of channels according to the duration of the time period between each of the series of commands" by CPU 29 (page 4, ¶ 45-47).

As for Claim 40, the claimed "the schedule of channels is reordered after each command of the series of commands" is rejected based on similar grounds as the rejection of claim 22.

As for Claim 41, the claimed "the schedule of channels is reordered after all of the channels of the schedule of channels has been tuned" is rejected based on similar grounds as the rejection of claim 23.

As for Claim 42, the claimed “the schedule of channels is further ordered according a time elapsed since the channel was last tuned” is rejected based on similar grounds as the rejection of claim 24.

As for Claim 44, the claimed “the processor further reorders the schedule of channels in sequential order” is rejected based on similar grounds as the rejection of claim 26.

As for Claim 45, the claimed “the processor reorders the schedule of channels in sequential order in response to a user command” is rejected based on similar grounds as the rejection of claim 27.

As for Claim 46, the claimed element “each of the channels in the schedule of channels is associated with a media program” is met by CPU 29, which can maintain relative statistics on how long a channel or program has been viewed (page 4, ¶ 44). The claimed element “the processor reorders the schedule of channels in sequential order is performed at a time associated with a change in a threshold number of the media programs associated with at the channels in the schedule of channels” is met by Candelore who discloses the favorites list, maintained by CPU 29, can display either a list of top 15 (page 4, ¶ 38) or the favorites list can be based on the top 10 (page 5, ¶ 47).

As for Claim 47, the claimed element of “the processor further determines which of the time periods exceeds a threshold time period, and segments the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not

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exceeding the threshold time period" by is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). Further Candelore discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

5. Claims 16 and 34 are rejected under 35 U.S.C. 102(b) as being anticipated by Amano et al. (U.S. 5,585,865).

Regarding Claim 16, the claimed method of "accepting data indicative of user interest in media programs transmitted on a plurality of channels" is met by figures 7 and 8 of Amano et al. Disclosed is a genre registration user can specify a genre of interest and select a sub-category to narrow the results (Col. 8, lines 41-67 and Col. 9, lines 1-11). Amano et al. meets the claimed "prioritizing a schedule of channels having at least a subset of the plurality of channels according to the user interest in the media programs" by disclosing if a viewer selects the sports genre button on remote control 11 (shown in figure 2) the most frequently viewed channel and if the user presses the sports genre button again, the second most frequently viewed channel is tuned (Col. 6, lines 22-51).

Regarding Claim 34, Amano et al. meets the claimed "means for accepting data indicative of user interest in media programs transmitted on a plurality of channels" by television receiver shown in figure 1 which displays genre registration screen shown in figure 7. Amano et al. discloses a user can indicate a genre interest using genre registration screen 71 (Col. 8, lines 41-67 and Col. 9, lines 1-11). The claimed "means

for prioritizing a schedule of channels having at least a subset of the plurality of channels according to the user interest in the media programs” is met by genre buttons 33. Amano et al. discloses if a viewer selects the sports genre button on remote control 11 (shown in figure 2) the most frequently viewed channel is tuned and if the user presses the sports genre button again, the second most frequently viewed channel is tuned (Col. 6, lines 22-51).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 12-13 and 48-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Amano et al. (U.S. 5,585,865).

Regarding Claim 12, Candelore teaches the claimed element of “ordering the channels in the first segment according to the duration of the time period associated with each channel” by figure 5 (page 4, ¶ 44-46). Candelore is silent on ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 13, Candelore meets the claimed element of “presenting media programs associated with the channels in the first segment in order in response to a first command” by favorite key on remote control 5. Candelore teaches the “FAVORITE” key can be used to access a list that ranks favorites based on statistics. Candelore fails to teach presenting the media programs associated with the channels in the second segment in order in response to a second command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been motivated to make this modification to facilitate the user requesting a second list be

presented if a user is dissatisfied with available options presented on the first channel list.

As for Claim 48, the claimed "processor further orders the channels in the first segment according to the duration of the time period associated with each channel" is met by CPU 29 of Candelore (page 4, ¶ 44-46). Candelore fails to teach ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses microcomputer 13 controls frequency memory 19 and selects the channel with the highest frequency (Col. 6, lines 30-51). Amano et al. further discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 49, Candelore meets the claimed element of "the processor further presents media programs associated with the channels in the first segment in order in response to a first command" by favorite key on remote control 5. Candelore teaches

the "FAVORITE" key can be used to access a list that ranks favorites based on statistics. Candelore fails to teach presenting the media programs associated with the channels in the second segment in order in response to a second command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose the process of a user selecting one of the genre buttons on remote control 11 and being presented the channel with the highest frequency first. If the user selects the same genre button again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been motivated to make this modification to facilitate the user requesting a second list be presented if a user is dissatisfied with available options presented on the first channel list.

8. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Wugofski (U.S. 2003/0056216).

Regarding Claim 14, Candelore fails to teach de-prioritizing a selected channel in the schedule of channels in response to a user input. Wugofski teaches favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and removing an item from a favorite list. (page 3, ¶ 31). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify

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Candelore with the teachings of Wugofski in order to allow a user to de-prioritize a selected channel in the schedule of channels for the purpose of providing added flexibility to the user in managing lists of favorite channels.

9. Claims 17-18 and 35-36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amano et al. in view of Wugofski (WO 99/35843).

Regarding Claim 17, Amano et al fails to teach a list having at least one uniform resource locator. Wugofski teaches a favorite channel list which comprises both television channels and Internet channels as shown in figure 5B (page 13, lines 4-19). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Amano et al. with the teachings of Wugofski in order to combine a URL with the list of favorite channels. One would have been motivated to make this modification in order to facilitate a user viewing multiple channel and Internet favorite lists into a single list.

Regarding Claim 18, the claimed method of "accepting a series of commands to tune a plurality of channels sequentially from schedule of channels" is met by channel up/down button 34A on remote control 11 (Col. 5, lines 21-25). The claimed element of "determining a duration of a time period during which each channel is tuned" is met by frequency memory 19 as shown in figure 1. Amano et al. discloses frequency memory stores data about the history of reception of broadcast channels (Col. 4, lines 63-65). The claimed element "the schedule of channels is prioritized according to the user interest in the media program and to the duration of the time period during which each channel is tuned" is met by Amano et al. as disclosed if a viewer selects the sports

genre button on remote control 11 (shown in figure 2) the most frequently viewed channel is tuned and if the user presses the sports genre button again, the second most frequently viewed channel is tuned (Col. 6, lines 22-51).

As for Claim 35, the claimed element of "a list having at least one uniform resource locator" is rejected on similar grounds as the rejection of claim 17 (figure 5B).

As for Claim 36, the claim "means for accepting a series of commands to tune a plurality of channels sequentially from schedule of channels" (Col. 5, lines 21-25) and "means for determining a duration of a time period during which each channel is tuned" (Col. 4, lines 63-65) and "the schedule of channels is prioritized according to the user interest in the media program and to the duration of the time period during which each channel is tuned" (Col. 6, lines 22-51) is rejected based on similar grounds as the rejection of claim 18.

10. Claims 6-7, 24-25, 29, 33, and 43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard (U.S. 5,801,747).

Regarding Claim 6, Candelore fails to teach the schedule of channels is further ordered according [to] time elapsed since the channel was last tuned. Bedard teaches placing a new favorite channel at the top of viewer profile array 200, which allows the viewer to see his most recently viewed favorites at top of the array 200 (Col. 5, lines 34-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Bedard to order the schedule according to time elapsed since the channel was last tuned. One would have

been motivated to make this modification in order to facilitate the user to quickly tune to a channel, which was more recently viewed.

As for Claim 7, Candelore fails to teach weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned. Bedard teaches a method, using a personal computer (Col. 7), which utilizes a weighted least recently used algorithm to retrieve viewer profile entries 202 (Col. 5, lines 34-58). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Candelore with the teachings of Bedard in order to weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned. One would have been motivated to make this modification in order to give a higher priority to more recently viewed channels as opposed to channels that may have not been viewed in a long period of time.

As to Claim 24, the claimed "schedule of channels is further ordered according a time elapsed since the channel was last tuned" is rejected based on similar grounds as the rejection of Claim 6.

As to Claim 25, the claimed "means for reordering the schedule of channels according to the duration of the time period between each of the series of commands further comprises: means for weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated

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with each time period was last tuned” is rejected based on similar grounds as the rejection of Claim 7.

As for Claim 29, the claimed element “means for determining which of the time periods exceeds a threshold time period” is met by Candelore who discloses on a new set-top box, the unit of time or threshold may be 5 minutes to quickly develop a list of favorites and as time goes on the unit of time can be increased to become more selective (page 4, ¶ 42). The claimed element “means for segmenting the channels into a first segment having channels associated with a time period exceeding the threshold time period and a second segment having channels associated with a time period not exceeding the threshold time period” is met by Candelore who discloses the list of favorites 408 is based on the maintained statistics in stat tables 406 (page 3, ¶ 31-32).

As for Claim 33, “the ordered schedule of channels is a subset of all available channels” is rejected based on similar grounds as the rejection of claim 15.

As for Claim 43, the claimed “processor reorders the schedule of channels according to the duration of the time period between each of the series of commands by weighting at least a portion of the time periods according to a time difference between a current time and a time when each channel associated with each time period was last tuned” is rejected based on similar grounds as the rejection to claim 7.

11. Claims 30-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard as applied to claim 29 above, and further in view of Amano et al.

As for Claim 30, Candelore teaches the claimed element of "means for ordering the channels in the first segment according to the duration of the time period associated with each channel" by figure 5 (page 4, ¶ 44-46). The combination of Candelore and Bedard fail to teach ordering the channels in the second segment according to the duration of the time period associated with each channel. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Amano et al. in order to order the channels in the second segment according to the duration of the time period associated with each channel. One would have been motivated to make this modification to facilitate the user in selecting channels from a second list if a user was dissatisfied with available options on the first channel list.

As for Claim 31, Candelore meets the claimed element of "means for presenting media programs associated with the channels in the first segment in order in response to a first command" by favorite key on remote control 5. Candelore teaches the "FAVORITE" key can be used to access a list that ranks favorites based on statistics. The combination of Candelore and Bedard fail to teach presenting the media programs associated with the channels in the second segment in order in response to a second

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command. Amano et al. discloses ordering channels in multiple segments using genres as individual segments. Figures 5 and 6 of Amano et al. disclose a user selecting one of the genre buttons on remote control 11 and first selecting the channel with the highest frequency first and if the genre button is selected again, the channel with the second highest frequency is displayed (Col. 7, lines 24-67 – Col. 8, lines 1-5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Amano et al. in order to present media programs associated with the channels in the second segment in order in response to a second command. One would have been motivated to make this modification to facilitate the user requesting a second list be presented if a user is dissatisfied with available options presented on the first channel list.

12. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Candelore in view of Bedard as applied to claim 24 above, and further in view of Wugofski (U.S. 2003/0056216).

As to Claim 32, the combination of Candelore and Bedard fail to teach de-prioritizing a selected channel in the schedule of channels in response to a user input. Wugofski teaches favorites services 8 provides favorites list management functions, and also a set of common user interfaces for selecting a favorite item from a list, adding an item to a favorite list, and removing an item from a favorite list. (page 3, ¶ 31).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combination of Candelore and Bedard with the teachings of Wugofski in order to allow a user to de-prioritize a selected channel in the

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schedule of channels to facilitate a user keeping an up-to-date list by removing channels he/she may no longer be interested in viewing.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents and publications are cited to further show the state of the art with respect to monitoring a user's viewing habits and saving the channel as a favorite.

U.S. Pub. No. 2004/0216160 to Lemmons et al.

U.S. Pub. No. 2002/0083452 to Kikinis

U.S. Pat. No. 6,721,953 to Bates et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Parry whose telephone number is (571) 272-8328. The examiner can normally be reached on Monday through Friday, 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

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Examiner's Initials: CvP *hubb*
August 25, 2005